

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTONIO PAYTON,	)	
	)	
Petitioner/Defendant,	)	
	)	CIVIL NO. 04-cv-4111-JPG
vs.	)	
	)	CRIMINAL NO. 99-cr-40034
UNITED STATES of AMERICA ,	)	
	)	
Respondent/Plaintiff.	)	

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ANTONIO PAYTON,	)	
	)	
Petitioner/Defendant,	)	
	)	CIVIL NO. 04-cv-4205-JPG
vs.	)	
	)	CRIMINAL NO. 99-cr-40034
UNITED STATES of AMERICA ,	)	
	)	
Respondent/Plaintiff.	)	

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This matter is before the Court on two separate motions for relief pursuant to 28 U.S.C. § 2255, as captioned above. According to Petitioner's motion to consolidate (Doc. 5), he filed the first case *pro se* because he was not sure that his retained counsel would file such a motion within the statute of limitations. The Court agrees that these two cases should be consolidated into the first case filed, and therefore the motion to consolidate is **GRANTED**.

**IT IS HEREBY ORDERED** that the above-captioned cases are hereby **CONSOLIDATED** as one cause of action.

**IT IS FURTHER ORDERED** that the Clerk shall **FILE** a copy of the § 2255 motion from Case No. 04-cv-4205-JPG as an amended § 2255 motion in Case No. 04-cv-4111-JPG.

**IT IS FURTHER ORDERED** that all future filings in this matter shall be made in Case No. 04-cv-4111-JPG. No further filings shall be made in Case No. 04-cv-4205-JPG.

The Clerk is **DIRECTED** to **CLOSE** Case No. 04-cv-4205-JPG.

**IT IS SO ORDERED.**

**Dated: August 31, 2005**

s/ J. Phil Gilbert  
**U. S. District Judge**